

The House Committee on Judiciary Non-civil offers the following substitute to HB 414:

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, so
2 as to direct certain offenders to complete a DUI Alcohol or Drug Use Risk Reduction
3 Program within certain time frames; to provide that offenders may complete a drug court
4 division program as set forth in Code Section 15-1-15 in lieu of a DUI Alcohol or Drug Use
5 Risk Reduction Program for purposes of certain punishments for repeat DUI offenses and
6 for purposes of driver's license reinstatement, issuance, or restoration; to amend Chapter 8
7 of Title 42 of the Official Code of Georgia Annotated, relating to probation, so as to provide
8 that offenders may complete a drug court division program as set forth in Code Section
9 15-1-15 in lieu of a DUI Alcohol or Drug Use Risk Reduction Program for purposes of
10 reinstatement of certain drivers' licenses; to amend Code Section 52-7-12.6 of the Official
11 Code of Georgia Annotated, relating to terms of suspension, so as to provide that offenders
12 may complete a drug court division program as set forth in Code Section 15-1-15 in lieu of
13 a DUI Alcohol or Drug Use Risk Reduction Program; to provide for related matters; to
14 provide for an effective date and applicability; to repeal conflicting laws; and for other
15 purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles, is amended
19 by revising subsection (c) of Code Section 40-6-391, relating to driving under the influence
20 of alcohol, drugs, or other intoxicating substances, as follows:

21 "(c) Every person convicted of violating this Code section shall, upon a first or second
22 conviction thereof, be guilty of a misdemeanor and, upon a third or subsequent conviction
23 thereof, be guilty of a high and aggravated misdemeanor and shall be punished as follows:

24 (1) First conviction with no conviction of and no plea of nolo contendere accepted to a
25 charge of violating this Code section within the previous five years, as measured from the
26 dates of previous arrests for which convictions were obtained or pleas of nolo contendere

1 were accepted to the date of the current arrest for which a conviction is obtained or a plea
2 of nolo contendere is accepted:

3 (A) A fine of not less than \$300.00 nor more than \$1,000.00, which fine shall not,
4 except as provided in subsection (g) of this Code section, be subject to suspension, stay,
5 or probation;

6 (B) A period of imprisonment of not less than ten days nor more than 12 months,
7 which period of imprisonment may, at the sole discretion of the judge, be suspended,
8 stayed, or probated, except that if the offender's alcohol concentration at the time of the
9 offense was 0.08 grams or more, the judge may suspend, stay, or probate all but 24
10 hours of any term of imprisonment imposed under this subparagraph;

11 (C) Not less than 40 hours of community service, except that for a conviction for
12 violation of subsection (k) of this Code section where the person's alcohol
13 concentration at the time of the offense was less than 0.08 grams, the period of
14 community service shall be not less than 20 hours;

15 (D) ~~Completion of~~ Before or within 120 days of conviction or release from
16 incarceration, complete a DUI Alcohol or Drug Use Risk Reduction Program approved
17 by the Department of Driver Services. The sponsor of any such program shall provide
18 written notice of such approval to the person upon enrollment in the program; and

19 (E) If the defendant is sentenced to a period of imprisonment for less than 12 months,
20 a period of probation of 12 months less any days during which the defendant is actually
21 incarcerated;

22 (2) For the second conviction within a five-year period of time, as measured from the
23 dates of previous arrests for which convictions were obtained or pleas of nolo contendere
24 were accepted to the date of the current arrest for which a conviction is obtained or a plea
25 of nolo contendere is accepted:

26 (A) A fine of not less than \$600.00 nor more than \$1,000.00, which fine shall not,
27 except as provided in subsection (g) of this Code section, be subject to suspension, stay,
28 or probation;

29 (B) A period of imprisonment of not less than 90 days nor more than 12 months. The
30 judge shall probate at least a portion of such term of imprisonment, in accordance with
31 subparagraph (F) of this paragraph, thereby subjecting the offender to the provisions
32 of Article 7 of Chapter 8 of Title 42 and to such other terms and conditions as the judge
33 may impose; provided, however, that the offender shall be required to serve not less
34 than 72 hours of actual incarceration;

35 (C) Not less than 30 days of community service;

36 (D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by
37 the Department of Driver Services or enrollment and compliance for a period of six

1 months in a drug court division program as established pursuant to Code Section
2 15-1-15. The sponsor of ~~any such program~~ a DUI Alcohol or Drug Use Risk Reduction
3 Program shall provide written notice of such approval to the person upon enrollment
4 in the program; ~~and~~

5 (E) Undergoing a clinical evaluation as defined in Code Section 40-5-1 and, if
6 indicated by such evaluation, completion of a substance abuse treatment program as
7 defined in Code Section 40-5-1; provided, however, that such evaluation may be
8 waived if the offender has completed a drug court division program which included a
9 treatment program approved and registered with the Department of Human Resources
10 multiple DUI offender program as provided in subsection (a.1) of Code Section 37-7-2;
11 and

12 (F) A period of probation of 12 months less any days during which the defendant is
13 actually incarcerated; or

14 (3) For the third or subsequent conviction within a five-year period of time, as measured
15 from the dates of previous arrests for which convictions were obtained or pleas of nolo
16 contendere were accepted to the date of the current arrest for which a conviction is
17 obtained or a plea of nolo contendere is accepted:

18 (A) A fine of not less than \$1,000.00 and not more than \$5,000.00, which fine shall
19 not, except as provided in subsection (g) of this Code section, be subject to suspension,
20 stay, or probation;

21 (B) A mandatory period of imprisonment of not less than 120 days nor more than 12
22 months. The judge shall probate at least a portion of such term of imprisonment, in
23 accordance with subparagraph (F) of this paragraph, thereby subjecting the offender to
24 the provisions of Article 7 of Chapter 8 of Title 42 and to such other terms and
25 conditions as the judge may impose; provided, however, that the offender shall be
26 required to serve not less than 15 days of actual incarceration;

27 (C) Not less than 30 days of community service;

28 (D) Completion of a DUI Alcohol or Drug Use Risk Reduction Program approved by
29 the Department of Driver Services or enrollment and compliance for a period of six
30 months in a drug court division program as established pursuant to Code Section
31 15-1-15. The sponsor of ~~any such program~~ a DUI Alcohol or Drug Use Risk Reduction
32 Program shall provide written notice of such approval to the person upon enrollment
33 in the program; ~~and~~

34 (E) Undergoing a clinical evaluation as defined in Code Section 40-5-1 and, if
35 indicated by such evaluation, completion of a substance abuse treatment program as
36 defined in Code Section 40-5-1; provided, however, that such evaluation may be
37 waived if the offender has completed a drug court division program which included a

1 treatment program approved and registered with the Department of Human Resources
2 multiple DUI offender program as provided in subsection (a.1) of Code Section 37-7-2;
3 and

4 (F) A period of probation of 12 months less any days during which the defendant is
5 actually incarcerated.

6 For the purpose of imposing a sentence under this subsection, a plea of nolo contendere or
7 an adjudication of delinquency based on a violation of this Code section shall constitute a
8 conviction."

9 SECTION 2.

10 Said title is further amended by revising subparagraph (e)(1)(C) of Code Section 40-5-58,
11 relating to habitual violators and probationary licenses, as follows:

12 "(C) Such person has successfully completed, prior to the issuance of the probationary
13 driver's license, a defensive driving course, enrollment and compliance with a drug
14 court division program as set forth in Code Section 15-1-15, or a DUI Alcohol or Drug
15 Use Risk Reduction Program as designated by the department;"

16 SECTION 3.

17 Said title is further amended by revising subsection (b) of Code Section 40-5-62, relating to
18 periods of revocation, conditions to restoration of license or issuance of new license, as
19 follows:

20 "(b) The department shall not issue a new license nor restore a person's suspended license
21 or nonresident's operating privilege unless and until it is satisfied after investigation of the
22 character, habits, and driving ability of such person that it will be safe to grant the privilege
23 of driving a motor vehicle on the public highways. Notwithstanding subsection (a) of this
24 Code section or any other provision of this title, the department shall not issue a new
25 license to any person whose license was revoked as a habitual violator for three violations
26 of Code Section 40-6-391 within a five-year period unless and until such person submits
27 proof of completion of an approved DUI Alcohol or Drug Use Risk Reduction Program or
28 enrollment and compliance with a drug court division program as set forth in Code Section
29 15-1-15. The department may issue rules and regulations providing for reinstatement
30 hearings. In the case of a revocation pursuant to Code Section 40-5-58, the department
31 shall charge a fee of \$210.00 or \$200.00 if processed by mail in addition to the fee
32 prescribed by Code Section 40-5-25 to issue a new driver's license to a person whose
33 driver's license has been revoked."

SECTION 4.

Said title is further amended by revising subsections (a) and (c) of Code Section 40-5-63, relating to periods of suspension and conditions to return license, as follows:

"(a) The driver's license of any person convicted of an offense listed in Code Section 40-5-54 or of violating Code Section 40-6-391, unless the driver's license has been previously suspended pursuant to Code Sections 40-5-67.1 and 40-5-67.2, shall by operation of law be suspended and such suspension shall be subject to the following terms and conditions; provided, however, that any person convicted of a drug related offense pursuant to Code Section 40-6-391 shall be governed by the suspension requirements of Code Section 40-5-75; and further provided that each charge for which a conviction was obtained shall be treated as a separate transaction for the purpose of imposing a license suspension hereunder, even if said convictions arise from a single incident:

(1) Upon the first conviction of any such offense, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for 12 months. At the end of 120 days, the person may apply to the department for reinstatement of said driver's license. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of ~~\$210 or \$200~~ \$210.00 or \$200.00 when such reinstatement is processed by mail unless such conviction was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when such reinstatement is processed by mail, provided that, if such license was suspended as a result of a conviction of an offense listed in Code Section 40-5-54, such license shall be reinstated if such person submits proof of completion of either a defensive driving program approved by the department or a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee. A driver's license suspended as a result of a conviction of a violation of Code Section 40-6-391 shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee. For purposes of this paragraph, an accepted plea of nolo contendere to an offense listed in Code Section 40-5-54 by a person who is under 18 years of age at the time of arrest shall constitute a conviction. For the purposes of this paragraph only, an accepted plea of nolo contendere by a person 21 years of age or older, with no conviction of and no plea of nolo contendere accepted to a charge of violating Code Section 40-6-391 within the previous five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere accepted to the date of the current arrest for which a plea of nolo contendere is accepted,

1 shall be considered a conviction, and the court having jurisdiction shall forward, as
2 provided in Code Section 40-6-391.1, the record of such disposition of the case to the
3 department and the record of such disposition shall be kept on file for the purpose of
4 considering and counting such accepted plea of nolo contendere as a conviction under
5 paragraphs (2) and (3) of this subsection;

6 (2) Upon the second conviction of any such offense within five years, as measured from
7 the dates of previous arrests for which convictions were obtained to the date of the
8 current arrest for which a conviction is obtained, the period of suspension shall be for
9 three years. At the end of 120 days, the person may apply to the department for
10 reinstatement of said driver's license; except that if such license was suspended as a result
11 of a second conviction of a violation of Code Section 40-6-391 within five years, the
12 person shall not be eligible to apply for license reinstatement until the end of 18 months.
13 Such license shall be reinstated if such person submits proof of completion of a DUI
14 Alcohol or Drug Use Risk Reduction Program or enrollment and compliance for a period
15 of six months in a drug court division program as set forth in Code Section 15-1-15 and
16 pays a restoration fee of ~~\$210 or \$200~~ \$210.00 or \$200.00 when such reinstatement is
17 processed by mail unless such conviction was a recidivist conviction in which case the
18 restoration fee shall be \$510.00 or \$500.00 when processed by mail, provided that, if such
19 license was suspended as a result of a conviction of an offense listed in Code Section
20 40-5-54, such license shall be reinstated if such person submits proof of completion of
21 ~~either~~ a defensive driving program approved by the department, ~~or~~ a DUI Alcohol or
22 Drug Use Risk Reduction Program, or enrollment and compliance for a period of six
23 months in a drug court division program as set forth in Code Section 15-1-15 and pays
24 the prescribed restoration fee. A driver's license suspended as a result of a conviction of
25 a violation of Code Section 40-6-391 shall not become valid and shall remain suspended
26 until such person submits proof of completion of a DUI Alcohol or Drug Use Risk
27 Reduction Program or enrollment and compliance for a period of six months in a drug
28 court division program as set forth in Code Section 15-1-15 and pays the prescribed
29 restoration fee. For purposes of this paragraph, a plea of nolo contendere and all previous
30 accepted pleas of nolo contendere to an offense listed in Code Section 40-5-54 within
31 such five-year period of time shall constitute a conviction. For the purposes of this
32 paragraph, a plea of nolo contendere to a charge of violating Code Section 40-6-391 and
33 all prior accepted pleas of nolo contendere within five years, as measured from the dates
34 of previous arrests for which convictions were obtained or pleas of nolo contendere were
35 accepted to the date of the current arrest for which a plea of nolo contendere is accepted,
36 shall be considered and counted as convictions; or

(3) Upon the third conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, such person shall be considered a habitual violator, and said license shall be revoked as provided for in paragraph (1) of subsection (a) of Code Section 40-5-62. For purposes of this paragraph, a plea of nolo contendere and all previous accepted pleas of nolo contendere to an offense listed in Code Section 40-5-54 within such five-year period shall constitute a conviction. For the purposes of this paragraph, a plea of nolo contendere and all prior accepted pleas of nolo contendere to a charge of violating Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a plea of nolo contendere is accepted, shall be considered and counted as convictions."

"(c) In all cases in which the department may return a license to a driver prior to the termination of the full period of suspension, the department may require such tests of driving skill and knowledge as it determines to be proper, and the department's discretion shall be guided by the driver's past driving record and performance, and the driver shall pay the applicable restoration fee. In addition to any other requirement the department may impose, a driver's license suspended as a result of a conviction of a violation of Code Section 40-6-391 shall not become valid, shall remain suspended, and shall not be returned to such driver or otherwise reinstated until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program or enrollment and compliance for a period of six months in a drug court division program as set forth in Code Section 15-1-15."

SECTION 5.

Said title is further amended by revising subsection (a) of Code Section 40-5-67.2, relating to terms and conditions for suspension of license under subsection (c) of Code Section 40-5-67.1, as follows:

"(a) Any driver's license required to be suspended under subsection (c) of Code Section 40-5-67.1 shall be suspended subject to the following terms and conditions:

(1) Upon the first suspension pursuant to subsection (c) of Code Section 40-5-67.1 within the previous five years, as measured from the dates of previous arrests for which a suspension was obtained to the date of the current arrest for which a suspension is obtained, the period of suspension shall be for one year. Not sooner than 30 days following the effective date of suspension, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program or enrollment and compliance for a period of six months in a drug court division program

1 as set forth in Code Section 15-1-15 and pays a restoration fee of ~~\$210 or \$200~~ \$210.00
2 or \$200.00 when such reinstatement is processed by mail unless such conviction was a
3 recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when
4 processed by mail. A driver's license suspended pursuant to Code Section 40-5-67.1
5 shall not become valid and shall remain suspended until such person submits proof of
6 completion of a DUI Alcohol or Drug Use Risk Reduction Program or enrollment and
7 compliance for a period of six months in a drug court division program as set forth in
8 Code Section 15-1-15 and pays the prescribed restoration fee;

9 (2) Upon the second suspension pursuant to subsection (c) of Code Section 40-5-67.1
10 within five years, as measured from the dates of previous arrests for which suspensions
11 were obtained to the date of the current arrest for which a suspension is obtained, the
12 period of suspension shall be for three years. The person shall be eligible to apply to the
13 department for license reinstatement not sooner than 18 months following the effective
14 date of suspension. Such license shall be reinstated if such person submits proof of
15 completion of a DUI Alcohol or Drug Use Risk Reduction Program or enrollment and
16 compliance for a period of six months in a drug court division program as set forth in
17 Code Section 15-1-15 and pays a restoration fee of ~~\$210 or \$200~~ \$210.00 or \$200.00
18 when such reinstatement is processed by mail unless such conviction was a recidivist
19 conviction in which case the restoration fee shall be \$510.00 or \$500.00 when processed
20 by mail. A driver's license suspended pursuant to Code Section 40-5-67.1 shall not
21 become valid and shall remain suspended until such person submits proof of completion
22 of a DUI Alcohol or Drug Use Risk Reduction Program or enrollment and compliance
23 for a period of six months in a drug court division program as set forth in Code Section
24 15-1-15 and pays the prescribed restoration fee; and

25 (3) Upon the third or subsequent suspension pursuant to subsection (c) of Code Section
26 40-5-67.1 within five years, as measured from the dates of previous arrests for which
27 suspensions were obtained to the date of the current arrest for which a suspension is
28 obtained, the period of suspension shall be for five years. A driver's license suspended
29 pursuant to Code Section 40-5-67.1 shall not become valid and shall remain suspended
30 until such person submits proof of completion of a DUI Alcohol or Drug Use Risk
31 Reduction Program or enrollment and compliance for a period of six months in a drug
32 court division program as set forth in Code Section 15-1-15 and pays the prescribed
33 restoration fee. The driver may apply for a probationary license pursuant to Code Section
34 40-5-58 after the expiration of two years from the effective date of suspension."

SECTION 6.

Said title is further amended by revising subsections (a) and (d) of Code Section 40-5-75, relating to suspension of licenses by operation of law, as follows:

"(a) The driver's license of any person convicted of any violation of the Georgia Controlled Substances Act, including, but not limited to, possession, distribution, manufacture, cultivation, sale, transfer of, trafficking in, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, transfer or traffic in a controlled substance or marijuana, or the law of any other jurisdiction shall by operation of law be suspended and such suspension shall be subject to the following terms and conditions:

(1) Upon the first conviction of any such offense, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for not less than 180 days. At the end of 180 days, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated only if the person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays to the Department of Driver Services a restoration fee of ~~\$210 or \$200~~ \$210.00 or \$200.00 when such reinstatement is processed by mail unless such conviction was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when such reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo contendere by a person to a charge of any drug related offense listed in this subsection shall, except as provided in subsection (c) of this Code section, constitute a conviction;

(2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for three years, provided that after one year from the date of the conviction the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program or enrollment and compliance for a period of six months in a drug court division program as set forth in Code Section 15-1-15 and paying to the Department of Driver Services a restoration fee of ~~\$210 or \$200~~ \$210.00 or \$200.00 when such reinstatement is processed by mail unless such conviction was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when such reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo contendere and all previous pleas of nolo contendere within such five-year period of time shall constitute a conviction; and

(3) Upon the third conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, such person's license shall be suspended for a period of five years. At the end of two years, the person may apply to the department for a three-year driving permit upon compliance with the following conditions:

(A) Such person has not been convicted or pleaded nolo contendere to any drug related offense, including driving under the influence, for a period of two years immediately preceding the application for such permit;

(B) Such person submits proof of completion of a licensed drug treatment program. Such proof shall be submitted within two years of the license suspension and prior to the issuance of the permit. Such licensed drug treatment program shall be paid for by the offender. The offender must pay a permit fee of \$25.00 to the department;

(C) Such person submits proof of financial responsibility as provided in Chapter 9 of this title; and

(D) Refusal to issue such permit would cause extreme hardship to the applicant. For the purposes of this subparagraph, the term 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and, therefore, the applicant would be prohibited from:

(i) Going to his or her place of employment or performing the normal duties of his or her occupation;

(ii) Receiving scheduled medical care or obtaining prescription drugs;

(iii) Attending a college or school at which he or she is regularly enrolled as a student; or

(iv) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner."

"(d) Application for reinstatement of a driver's license under paragraph (1) ~~or (2)~~ of subsection (a) of this Code section shall be made on such forms as the commissioner may prescribe and shall be accompanied by proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail. Application for reinstatement of a driver's license under paragraph (2) of subsection (a) of this Code section shall be made on such forms as the commissioner may prescribe and shall be accompanied by proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program or enrollment and compliance for a period of six months in a drug court division program as set forth in Code Section 15-1-15 and a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail.

1 Application for a three-year driving permit under paragraph (3) of subsection (a) of this
2 Code section shall be made on such form as the commissioner may prescribe and shall be
3 accompanied by proof of completion of an approved residential drug treatment program
4 and a fee of \$25.00 for such permit."

5 SECTION 7.

6 Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation, is
7 amended by revising subsection (b) of Code Section 42-8-111, relating to court ordered
8 installation of ignition interlock devices, as follows:

9 "(b) Any resident of this state who is ordered to use an ignition interlock device, as a
10 condition of probation, shall complete the DUI Alcohol or Drug Use Risk Reduction
11 Program or enrollment and compliance with a drug court division program as set forth in
12 Code Section 15-1-15 and submit to the court or probation department a certificate of
13 completion of the DUI Alcohol or Drug Use Risk Reduction Program or enrollment and
14 compliance with a drug court division program as set forth in Code Section 15-1-15 and
15 certification of installation of a certified ignition interlock device to the extent required by
16 subsection (a) of this Code section."

17 SECTION 8.

18 Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section
19 42-8-112, relating to proof of compliance required for reinstatement of certain drivers'
20 licenses and for obtaining a probationary license, as follows:

21 "(2) If the person subject to court ordered use of an ignition interlock device as a
22 condition of probation is authorized under Code Section 40-5-63 or 40-5-67.2 to apply
23 for reinstatement of his or her driver's license during the period of suspension, such
24 person shall, prior to applying for reinstatement of the license, have an ignition interlock
25 device installed and shall maintain such ignition interlock device in a motor vehicle or
26 vehicles to the extent required by subsection (a) of Code Section 42-8-111 for a period
27 of six months running concurrently with that of an ignition interlock device limited
28 driving permit, which permit shall not be issued until such person submits to the
29 department proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program
30 or enrollment and compliance with a drug court division program as set forth in Code
31 Section 15-1-15, proof of having undergone any clinical evaluation and of having
32 enrolled in any substance abuse treatment program required by Code Section 40-5-63.1,
33 and proof of installation of an ignition interlock device on a vehicle or vehicles to the
34 extent required by subsection (a) of Code Section 42-8-111. Such a person may apply
35 for and be issued an ignition interlock device limited driving permit at the end of 12

1 months after the suspension of the driver's license. At the expiration of such six-month
2 ignition interlock device limited driving permit, the driver may, if otherwise qualified,
3 apply for reinstatement of a regular driver's license upon payment of the fee provided in
4 Code Section 40-5-25."

5 **SECTION 9.**

6 Code Section 52-7-12.6 of the Official Code of Georgia Annotated, relating to terms of
7 suspension, is amended by revising subsection (a) as follows:

8 "(a) Any operator's privilege to operate a vessel on the waters of this state required to be
9 suspended under subsection (d) of Code Section 52-7-12.5 shall be suspended subject to
10 the following terms and conditions:

11 (1) Upon the first suspension pursuant to subsection (d) of Code Section 52-7-12.5
12 within the previous five years, as measured from the dates of previous arrests for which
13 a suspension was obtained to the date of the current arrest for which a suspension is
14 obtained, the period of suspension shall be for one year. Not sooner than 30 days
15 following the effective date of suspension, the person may apply to the department for
16 reinstatement of his or her operator's privilege. Such privilege shall be reinstated if such
17 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
18 Program approved by the Department of Driver Services. An operator's privilege
19 suspended pursuant to Code Section 52-7-12.5 shall remain suspended until such person
20 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program
21 approved by the Department of Driver Services;

22 (2) Upon the second suspension pursuant to subsection (d) of Code Section 52-7-12.5
23 within five years, as measured from the dates of previous arrests for which suspensions
24 were obtained to the date of the current arrest for which a suspension is obtained, the
25 period of suspension shall be for three years. Not sooner than 120 days following the
26 effective date of suspension, the person may apply to the department for reinstatement
27 of the person's operator's privilege. Such privilege shall be reinstated if such person
28 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program
29 approved by the Department of Driver Services or enrollment and compliance with a drug
30 court division program as set forth in Code Section 15-1-15. An operator's privilege
31 suspended pursuant to Code Section 52-7-12.5 shall remain suspended until such person
32 submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program
33 approved by the Department of Driver Services or enrollment and compliance with a drug
34 court division program as set forth in Code Section 15-1-15; and

35 (3) Upon the third or subsequent suspension pursuant to subsection (d) of Code Section
36 52-7-12.5 within five years, as measured from the dates of previous arrests for which

1 suspensions were obtained to the date of the current arrest for which a suspension is
2 obtained, the period of suspension shall be for not less than five years and until such
3 person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction
4 Program approved by the Department of Driver Services or enrollment and compliance
5 with a drug court division program as set forth in Code Section 15-1-15."

6 **SECTION 10.**

7 This Act shall become effective on July 1, 2007, and apply to offenses committed on or after
8 that date.

9 **SECTION 11.**

10 All laws and parts of laws in conflict with this Act are repealed.